

PIPELINE SAFETY

Mr. MCCAIN. Mr. President, I deeply regret that the House of Representatives failed yesterday to favorably approve S. 2438, the Pipeline Safety Improvement Act of 2000. That measure was taken up under suspension of the rules in the House, and therefore, needed two-thirds of the members present and voting to support its passage. The final vote was 232 to 158.

As my colleagues know, the Senate has worked long and hard to produce comprehensive pipeline safety legislation. As a result of our bipartisan efforts, we unanimously approved S. 2438 nearly four weeks ago. That measure includes the best provisions from four separate proposals pending in the Senate, including legislation introduced by Senators MURRAY and GORTON, the measure introduced by Senator HOLLINGS on behalf of the Administration, the bill introduced by Senator BINGAMAN, and the bill I introduced along with Senators MURRAY and GORTON. While the final bill may not be the preference of every member, it is a fair and balanced compromise piece of legislation and, to quote Secretary Slater, "is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources."

There is one and only one reason the Senate bill fell 28 votes short, preventing it from being on its way to the President at this moment: Partisan Politics.

I can understand the hesitation on the part of some to approve a measure that doesn't include every single provision they envision as necessary to address pipeline safety improvements. But the Senate-passed bill is a good bill and would go a long way in promoting safety improvements. Senator MURRAY said it best on the floor of the Senate just two weeks ago: "Don't let the perfect be the enemy of the good." But instead of heeding that advice, the House has neither approved its own version of a pipeline safety bill nor has it approved the Senate's unanimously-passed bill. And now time is simply running out.

I do not relish voicing criticism toward the House opponents of S. 2438. But because of their actions, we will most likely fail to make any advancement in pipeline safety this year. And if we are ultimately prevented from enacting pipeline safety legislation in these remaining few days of the session, these and the other members working with them will be even less pleased by the criticisms I will be directing their way if even one more life is lost because of our inaction. Be assured, I will be back on this floor reminding everyone of our missed opportunity to address identified pipeline safety shortcomings due to the actions

of these few members. They will be held accountable.

Mr. INSLEE from the State of Washington testified before the Senate Commerce Committee in May on the need to pass comprehensive legislation, noting that the "opportunity to pass comprehensive, meaningful legislation may not come again until there is another tragedy". Sadly, since the time Mr. INSLEE made those comments, two other accidents have occurred—claiming a total of 13 more lives. How many more lives are going to be lost before Congress finally passes pipeline safety legislation?

It is my understanding Mr. INSLEE has urged the Administration, members of his House delegation, and leadership on the House side, not to support the Senate bill. It is also my understanding that he has ignored advice from his own Senate colleague, Senator MURRAY, on this matter. In doing so, he is dooming the months of effort that a member of his own party, a Senator from his own home state, has put into crafting a bill that will undoubtedly improve pipeline safety. His actions may have killed the only chance that pipeline safety legislation will pass this year. And in doing so, he is ensuring that even more lives may be lost—and that the unacceptable status quo will remain.

I support passage of the strongest safety bill possible, and I know the House members I have mentioned are fully aware of this fact. The strongest bill possible at this time is the bill we approved in the Senate three weeks ago. Mr. INSLEE's and others' claims that their efforts are driven by a desire for a stronger bill sound well and good. But the reality is those efforts only preclude any advancement in pipeline safety from occurring. The actions of these members not only ignore the substantial steps we've made to reach a fair, balanced pro-safety bill, but also could jeopardize the likelihood we'll make any progress on pipeline safety for many years to come.

I urge those members obstructing action on pipeline safety legislation to think carefully about the consequences of their obstructionist actions. Each day that passes without enactment of comprehensive pipeline safety legislation places public safety at risk.

SITUATION IN THE IVORY COAST

Mr. FEINGOLD. Mr. President, I rise to comment on the alarming situation in the Ivory Coast.

When General Robert Guei seized power in a coup last December, he indicated that he intended to hand over power to a civilian government quickly. Instead, and despite the urging of distinguished African heads of state from South Africa, Nigeria, and Senegal, Guei has chosen to run for President from his position of illegitimate

authority, in which he can manipulate his own chances of electoral success.

Last Friday, the Ivory Coast's Supreme Court issued a ruling barring all but five of twenty candidates seeking to run in Presidential elections slated for later this month. The ruling disqualified popular opposition leaders, most notably Former Prime Minister Alassane Ouattara, and the former ruling party's candidate, Emile Constant Bombey. Notably, Guei's former legal advisor is now serving as the court's chief. The upcoming elections are looking more and more like political farce, and General Guei's credibility is in tatters.

Leading up to the Court's ruling, the General Guei's government took actions clearly intended to intimidate the opposition, instituting a state of emergency, banning opposition politicians from international travel, and executing sweeps to round up immigrants who have consistently supported elements of the opposition. The junta that claimed it stepped into power to save the country now appears committed to a course of destruction. One of Africa's most stable and important economies is threatened by the instability exacerbated by the junta's political machinations, and General Guei's attempts to rally popular support have been characterized by misguided, xenophobic rhetoric aimed at threatening foreigners in a country that depends upon an immigrant workforce.

The people of the Ivory Coast deserve far better than this. At its core, democratic government is about trusting citizens to choose their own destiny, not about manipulating and restricting the choices available to them. The West African region, currently engaged in a struggle between the forces of democracy and those of thuggery, certainly does not need another thinly disguised dictatorship in its ranks. The only interests served by the junta's behavior are their own.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN, CO-CHAIR OF THE NORTHEAST-MIDWEST SENATE COALITION

Mr. JEFFORDS. Mr. President, I rise today to commend the excellent service of Senator DANIEL PATRICK MOYNIHAN as co-chair of the bipartisan Northeast-Midwest Senate Coalition. Senator MOYNIHAN, as we all know and regret, will be retiring from the United States Senate at the end of this year. Many people have commented on his excellent service to the nation and to New York State. I want to pay tribute to his leadership on regional issues.

Senator MOYNIHAN was elected co-chair of the Northeast-Midwest Senate Coalition in April 1987. A bipartisan group of senators had formed the Coalition in 1978 with the goal of promoting

regional economic and environmental interests. Senator MOYNIHAN replaced Senator Alan Dixon, and served for several years with Senator John Heinz. Upon his election as co-chair, Senator MOYNIHAN said, "States in the frost belt have of late shared a burden of heavy losses in manufacturing jobs, military installations and contracts. Environmental concerns, from the rising waters of the Great Lakes to acid rain, occupy us all."

Over the past seven Congresses, Senator MOYNIHAN persistently has advanced investments in our region's infrastructure, job-training and education programs, and basic industries. A stickler for accurate and timely data in order to judge our challenges and progress, he has documented the flow of federal funds from the Northeast and Midwest. Working with both Republicans and Democrats, he also has been a champion of the Great Lakes and the region's other great environmental assets.

Now, Lake Champlain may not be a great Lake to the rest of you, but in our part of the world, it is revered in the same way. And it is the reason behind my earliest work with Senator MOYNIHAN.

In the summer of 1989, when I was a freshman Member of the minority party and Senator MOYNIHAN was Chair of the Environment Subcommittee on Water Resources, he scheduled a field hearing to gather information on the water quality status of Lake Champlain. The hearing was split into two sessions, one on each side of the lake. We heard from Vermonters in Burlington, then enjoyed a boat ride across the lake to hear from upstate New Yorkers in Plattsburgh.

As his first act after commencing the hearing in Burlington, Chairman MOYNIHAN graciously handed the gavel to me so that I might preside over the Vermont portion of the hearing. That marked the first time I ever chaired a Senate hearing, and was made ever more memorable by the fact that DANIEL PATRICK MOYNIHAN had bestowed the honor.

We had an enjoyable, productive day, during the course of which Chairman MOYNIHAN entertained and enlightened the participants with his intimate knowledge of the history of Lake Champlain, one of our nation's most historic water bodies. Moreover, he demonstrated a keen knowledge of the science, hydrology and ecology of Lake Champlain. Senator MOYNIHAN was bestowed a hero's welcome by his constituents upon disembarking on the Adirondack coast of Lake Champlain that day. He earned an everlasting respect among all who participated in the hearing.

We returned to Washington to draft the Lake Champlain Special Designation Act, in concert with Senators LEAHY and D'Amato, and promptly

moved the bill through the scrutiny of the Water Resources Subcommittee, then the full Environment Committee and on to the Senate floor. Before the year had ended, that bill had become law. And it has proven to be a great success for the benefit of Lake Champlain, as well as a model for cooperation between different states, distinct federal regional jurisdictions and separate nations.

Senator MOYNIHAN, I commend you for your leadership on this important law. And I thank you for the latitude you gave me, in my first year in this United States Senate, to put my mark upon this legislation which continues to have a profound and positive influence on the ecology of Lake Champlain and the quality of life for the hundreds of thousands of people who live, work and recreate.

Aside from this example, there are many others. Senator MOYNIHAN took his assignment as co-chair of the Northeast-Midwest Senate Coalition during a time when our region was being less than affectionately referred to as the "rust belt." Manufacturing plants were closing, unemployment was high, and many workers needed to be retrained for new challenges. Senator MOYNIHAN led the Coalition in trying to identify and promote public policies that would take advantage of the region's common assets—its plentiful natural resources, distinguished university and research centers, significant financial centers, and a history of entrepreneurship.

Although he would be the first to admit that challenges remain, this region's progress over the past decade and a half results, in part, from Senator MOYNIHAN's consistent leadership.

With Senator MOYNIHAN's leadership, the Coalition has advanced numerous policy initiatives. It authored the nation's first pollution prevention law and promoted the National Invasive Species Act to block the proliferation of biological pollution. The Coalition has protected the Low Income Home Energy Assistance Program, and achieved increased appropriations for several energy efficiency programs. It held the first hearings and developed legislation on brownfield redevelopments, as well as on leaking gasoline storage tanks. The Coalition advanced increased trade with Canada, our nation's largest trading partner, and it spearheaded a range of initiatives to enhance the region's and the nation's economic competitiveness.

Mr. President, allow me to highlight a few other of Senator MOYNIHAN's specific efforts to advance economic vitality and environmental quality in the Northeast-Midwest region. In recent days, for instance, Senator MOYNIHAN has helped lead the Coalition's efforts to prepare for this winter's pending fuel crisis. Noting the rise in prices for heating oil and natural gas, he argued

effectively for an emergency allocation of Low Income Home Energy Assistance Program funding. And he has been a consistent champion of Weatherization and energy conservation programs that help our region and nation to use energy more efficiently.

In order to block the introduction of invasive species in ballast water, Senator MOYNIHAN helped lead the charge for the National Invasive Species Act. He continues to work to expand that legislation beyond aquatic nuisance species to address the array of foreign plants and animals that cause biological pollution and economic loss throughout this country.

Senator MOYNIHAN and the Northeast-Midwest groups have highlighted the economic and environmental benefits of cleaning and redeveloping the contaminated industrial sites that plague our communities. He has sponsored Capitol Hill conferences on brownfield reuse, and distributed scores of Northeast-Midwest publications, including case studies of successful redevelopment projects. Senator MOYNIHAN also has helped push several bills that would provide financial, regulatory, and technical assistance for brownfield reuse.

To help provide financing and technical assistance to manufacturers, which remain critical to our region's economy, Senator MOYNIHAN and the Northeast-Midwest Coalitions have advanced the Manufacturing Extension Partnership, trade adjustment assistance, and industrial technology programs. He has sponsored an array of Capitol Hill briefings on robotics, optoelectronics, machine tools, electronics, and other industrial sectors.

In an effort to protect the Northeast and Midwest, Senator MOYNIHAN has been willing to face the criticism that comes from highlighting egregious subsidies going to other regions. He has noted, for instance, that taxpayers in the Northeast and Midwest subsidize the electricity bills of consumers in other regions, only to have those regions try to lure away our businesses and jobs with the promise of cheap electricity.

Senator MOYNIHAN has paid particular attention to the flow of federal funds to the states, tracking both federal expenditures as well as taxes paid to Washington. In his own annual reports and those by the Coalition, he documented the long-standing federal disinvestment in New York State and throughout the Northeast and Midwest. The Northeast-Midwest groups, for instance, found that our region's taxpayers received only 88 cents in federal spending for every dollar in taxes that they sent to the federal Treasury. In comparison, states of the South received a \$1.17 rate of return, while western states obtained a \$1.02 return. In fiscal 1998, the Northeast-Midwest region's subsidy to the rest of the nation totaled some \$76 billion. Senator

MOYNIHAN has led the effort to reverse this trend.

It has been a pleasure to work in a bipartisan coalition with Senator DANIEL PATRICK MOYNIHAN. He has demonstrated that good public policy results from cooperation among Democrats and Republicans. His intellectual rigor and his demand for quality data have elevated policy discussions within both the Northeast-Midwest Coalition and throughout the entire United States Senate.

My colleagues from northeastern and midwestern states join me in thanking Senator MOYNIHAN for his consistent leadership and effective advocacy.

TIME TO STRENGTHEN HARDROCK MINING REGULATIONS

Mr. DURBIN. Mr. President, I have strongly advocated strengthening so-called 3809 regulations, which governs hardrock mining on public lands. However, attempts to update these regulations have been subject to much debate.

I am pleased to see that the Interior conference report included a compromise provision related to the regulations, which should allow the BLM to move forward with their efforts to better protect taxpayers and the environment from the impacts of the hardrock mining industry.

However, I am concerned about recent statements made by my colleagues, Senators REID and GORTON, which I feel distort the intent of the provision and would weaken the 3809 regulations. I would like to take this opportunity to clarify my understanding of the meaning of this provision.

To paraphrase the language of the bill text included in the conference report, the mining provision permits the BLM to prevent undue degradation of public lands with a new and stronger rule governing hardrock mining on public lands. The only requirement is that the rule be "not inconsistent with" the recommendations contained in a study completed by the National Research Council, or NRC.

I agree with the Department of the Interior's interpretation that the key phrase "not inconsistent with" means that so long as the final mining rule does not contradict the recommendations of the NRC report, the rule can address whatever subject areas the BLM finds necessary to improve environmental oversight of the hardrock mining industry.

For example, one of the recommendations made in the NRC report would clarify the BLM's authority to protect valuable natural resources not protected by other laws. Given that recommendation, it would be "not inconsistent with" the report to issue a rule that would allow the disapproval of a mine proposal if it would cause undue

degradation of public lands, even if the proposal complied with all other statutes and regulations. The final mining provision included in the report would permit such a rule.

However, during earlier negotiations of the hardrock mining provision, mining proponents attempted to include language that would have effectively undermined the ability of the BLM to strengthen the 3809 regulations. This original language would have bound any final rule published by the BLM to the recommendations of the NRC report. This means that a final rule could only address those recommendations made by the report and nothing else, regardless of what actions the BLM identified as necessary. The original language is as follows:

BILL TEXT

None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106-31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled "Hardrock Mining on Federal Lands" so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

REPORT LANGUAGE

Section xxx allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled "Hardrock Mining on Federal Lands." This provision reinstates a requirement that was included in Public Law 106-113. In that Act, Congress authorized changes to the hardrock mining regulations that are "not inconsistent with" the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's final rulemaking authority. This opinion is contrary to the intentions of the Committee and to the understanding reached among the parties in FY2000. The Committee clearly intended Interior to be guided and bound by the findings and recommendations of the Report. Accordingly, the statutory language is included again in this Report and this action should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

\$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;
District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;
Florida, Saint Petersburg, Combined Law Enforcement Facility;
Maryland, Montgomery County, Food and Drug;

Administration Consolidation;
Michigan, Sault St. Marie, Border Station;
Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;
Washington, Seattle, U.S. Courthouse.

Repairs and alterations:
Arizona: Phoenix, Federal Building Courthouse, \$26,962,000;

California: Santa Ana, Federal Building, \$27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), \$31,780,000, Main State Building (Phase 3), \$28,775,000;

Maryland: Woodlawn, SSA National Computer Center, \$4,285,000;

Michigan: Detroit, McNamara Federal Building, \$26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, \$25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, \$8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, \$45,960,000;

New York: New York City, 40 Foley Square, \$5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, \$18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, \$54,144,000;